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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,077	05/13/2005	Ncil Graham Jenkins	ENL-351-A	1895
48980	7590	09/26/2007		
YOUNG & BASILE, P.C. 3001 WEST BIG BEAVER ROAD SUITE 624 TROY, MI 48084			EXAMINER SWINEHART, EDWIN L	
			ART UNIT 3617	PAPER NUMBER
			NOTIFICATION DATE 09/26/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@youngbasile.com  
audit@youngbasile.com

<b>Office Action Summary</b>	Application No. 10/535,077	Applicant(s) JENKINS, NEIL GRAHAM	
	Examiner Ed Swinehart	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8,10,12-17,20,21,23 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8,10,12-17,20,21,23 and 25-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Great Britain on 13 November 2002. It is noted, however, that applicant has not filed a certified copy of the document application as required by 35 U.S.C. 119(b).

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 16 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant claims the inflation of the keel, yet fails to disclose how such a keel is inflated. Without complete and adequate disclosure of the invention, one of ordinary skill in the art could not make and/or use the invention.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 25-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 25, "at least on mounting formation" is not understood.

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-8,10,13-15,23 and 25-27 rejected under 35 U.S.C. 103(a) as being unpatentable over Madison in view of Denker.

Madison discloses the claimed invention, including an elongate keel member having a mounting formation on the upper end for slidable mating with a mounting formation on the hull underside. The keel is constructed of a plastic material, and therefore is inherently compressible upwardly upon impact. A "tip" is provided throughout the length.

Re claims 2 and 7, even though Madison teaches the extrusion of the keel and its respective mounting element, such is method of making, carrying no weight in the claims.

Madison fails to disclose the canoe being amphibious.

Denker teaches same.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide for the amphibious operation of the canoe of Madison as taught by Denker.

Such a combination would have been desirable so as to permit ease in handling on land.

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8. Claims 1-3,5,12,15,17 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glass in view of Andranigian.

Glass provides a rubber extruded keel element as claimed. The upper rounded portion constitutes the "mounting formation", for replaceable mounting within a complimentary hull channel. Glass discusses a foam-filled embodiment. Glass fails to teach amphibious operation.

Andranigian teaches the addition of wheels to a boat as that of Glass to render same amphibious.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add wheels to the watercraft of Glass as taught by Andranigian.

Such a combination would have been desirable so as to provide in ease of movement on land.

9. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madison in view of Denker as applied to claim 14 above, and further in view of Honatzis.

Madison fails to disclose a cap.

Honatzis teaches a "tip" for closing a channel, and a cap **34** extending thereover.

It would have been obvious to one of ordinary skill in the art at the time of the invention to close the end of the open channel of Madison with a tip and cap as taught by Honatzis.

Such a combination would have been desirable, so as a smooth transition between hull and keel is provided. Construction of the cap from metal would have been within the level of skill of the ordinary routineer working in the art, and therefore obvious.

10. Applicant's arguments filed 7/10/2007 have been fully considered but they are not persuasive.

Applicant argues that the amendment to claim 16 overcomes the 112 first paragraph rejection.

As amended, applicant has merely changed "adapted to be inflated" to "inflated". The examiner does not understand how such overcomes the rejection, as again, the disclosure fails to set forth how the keel is inflated.

Applicant argues that the addition of wheels as taught by Denker (or Andranigian) does not render the canoe of Madison amphibious, as "there is clearly no suggestion whatsoever that the canoe could be "operated" by a passenger across rough ground on the wheels".

In response, firstly such an operation across rough ground by a passenger has not been claimed, and the definition of "amphibious" does inherently require same. The dictionary definitions quoted by applicant also fail to positively require such an operation, as they merely state "suitable for both land and water". Once wheels are attached, the watercraft are so suited, and are therefore amphibious. Note for example

Andranigian, which calls his device amphibious, yet it not operated by a person residing in the boat, but merely towed.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

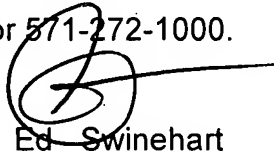
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 571-272-6688. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ed Swinehart  
Primary Examiner  
Art Unit 3617